

**TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**



**APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL**

United States of America

-v.-

23-MJ-566

Michael Rutledge

Docket Number

SUBMITTED BY: Plaintiff ___ Defendant ___ DOJ ☒

Name: James R. Simmons

Firm Name: USDOJ, USAO, EDNY

Address: 271A Cadman Plaza East

Brooklyn, NY 11201

Phone Number: 718-254-7511

E-Mail Address: james.simmons@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES ___ NO ☒

If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) ___ A copy of this application either has been or will be promptly served upon all parties to this action, B.) ___ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: ___; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

06/09/2023

DATE

James R. Simmons
SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal investigation. _____

**ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.**

DATED: Brooklyn, NEW YORK

Robert Levy 6/9/23

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE _____
DATE

JMH:JRS
F. #2023R00255

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

MICHAEL RUTLEDGE,

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

THOMAS A. NUZIO, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and a Detective with the New York City Police Department (“NYPD”), duly appointed according to law and acting as such.

On or about February 10, 2023, within the Eastern District of New York and elsewhere, the defendant MICHAEL RUTLEDGE, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from a convenience store located on Myrtle Avenue in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a))

On or about February 10, 2023, within the Eastern District of New York and elsewhere, the defendant MICHAEL RUTLEDGE, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT
(18 U.S.C. §§ 924(c), 1951(a))

Case No. 23-MJ-566

commodities in commerce, by robbery, to wit: the robbery of United States currency from a convenience store located on Myrtle Avenue in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a))

On or about February 10, 2023, within the Eastern District of New York and elsewhere, the defendant MICHAEL RUTLEDGE, together with others, did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit: the Hobbs Act robbery described above, and did knowingly and intentionally possess such firearm in furtherance of said crime of violence, which firearm was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii))

The source of your deponent's information and the grounds for his belief are as follows¹:

1. I am an NYPD Detective and an NYPD/ATF Joint Robbery Task Force Officer. I have been involved in the investigation of numerous robbery cases. I have been a Detective since 2017, and I have been a Task Force Officer for approximately four years. I am familiar with the facts and circumstances set forth below from my participation in the investigation as well as my review of the investigative file, indoor and outdoor surveillance camera and body camera videos, and reports of other law enforcement officers involved in the investigation.

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

2. On February 10, 2023, at approximately 11:23 p.m., a convenience store located on Myrtle Avenue in Brooklyn, New York, (the “Store”) was robbed. The Store engages in interstate commerce. The specific address of the Store is known to your affiant.

3. As described in more detail below, the robbery was perpetrated by at least three individuals. Two individuals entered the Store, one armed with a knife (“CC-1”) and one armed with a handgun (“CC-2”). For the reasons set forth herein, I believe that the defendant MICHAEL RUTLEDGE was the getaway driver for CC-1 and CC-2.

4. Upon entering the Store, CC-1 forced his way behind the counter. While holding the cashier at knifepoint, CC-1 stole the cashier’s wallet and approximately \$4,615.00 in United States currency from the cash registers.

5. CC-2 immediately pointed a handgun at a customer who was standing by the Store’s beverage coolers. CC-2 pistol-whipped the customer across the face multiple times and then shot the customer in the hip.

6. Based upon the review of surveillance footage from within the Store as well as from nearby cameras located in the area of the Store, I know that approximately two minutes after entering, CC-1 and CC-2 fled the Store, ran to and entered a red-colored sedan located nearby. Neither entered the driver’s seat. The red-colored sedan was then driven away. For the reasons set forth below, I believe RUTLEDGE was the driver.

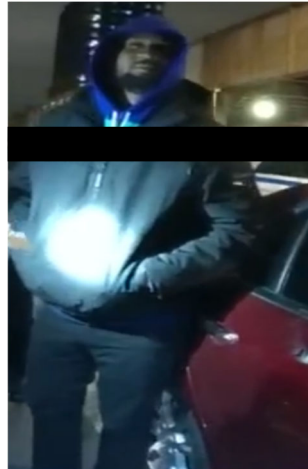
7. Additional surveillance recorded shortly before the armed robbery showed an individual, whom I believe was RUTLEDGE, pacing in the vicinity of the getaway vehicle at the same time that CC-1 and CC-2 made their way to the Store. RUTLEDGE is wearing what appears to be a dark jacket, a blue hooded sweatshirt, and light-colored pants with writing down

the leg. A screenshot from the surveillance video showing RUTLEDGE pacing is set forth below.

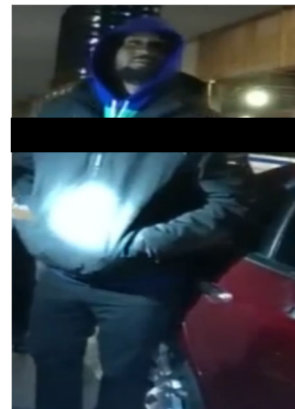


8. A nearby license plate reader recorded a red Chevy Malibu with New York license plate number ending in the digits -656 (“the Chevy Malibu”) consistent with the description of the getaway vehicle on the surveillance footage drove down that street shortly before the robbery took place. A review of law enforcement databases shows that the Chevy Malibu is registered to an individual whose name is known to your affiant (“the Chevy Malibu Owner”).

9. Approximately four hours before the robbery, based upon my discussions with other officers and review of law enforcement records, NYPD officers had an encounter with the driver of the Chevy Malibu in Manhattan. The officers observed the driver urinating in public and the passenger smoking marijuana inside of the vehicle. The driver of the vehicle provided his name to the responding officers as “Michael Rutledge,” i.e., the defendant. Body worn camera footage of RUTLEDGE during this police encounter is seen below.



10. In the body worn camera image above, the Chevy Malibu is visible in the lower right-hand quadrant of the image. MICHAEL RUTLEDGE is wearing what appears to be the same blue hooded sweatshirt and dark jacket as the driver of the getaway vehicle who was captured in the surveillance footage recovered from the vicinity of the armed robbery:²



11. While conducting physical surveillance in the days after the armed robbery, law enforcement discovered the Chevy Malibu parked in the Bronx. Law enforcement then conducted a video canvas of the surrounding area, revealing that an individual who appears to be MICHAEL RUTLEDGE is seen on surveillance at approximately 1:09 a.m. on February

² RUTLEDGE appears to be wearing different pants in the footage of the earlier law enforcement encounter in Manhattan.

11, 2023—approximately two hours after the robbery of the Store—in the vicinity of the location where the Chevy Malibu was located.

12. In this surveillance footage, MICHAEL RUTLEDGE is seen wearing what appears to be the same dark jacket and blue hooded sweatshirt as well as the same light-colored white pants shown in the prior screenshots:




13. Law enforcement conducted additional physical surveillance on February 17, 2023 of the Chevy Malibu and observed MICHAEL RUTLEDGE walk to the vehicle with a person who appeared to be the Chevy Malibu Owner, based upon a review of the Owner's driver's license and vehicle registration records. The Chevy Malibu Owner appears to be in a romantic relationship with RUTLEDGE and RUTLEDGE has been observed staying overnight at the Chevy Malibu Owner's residence. Additional video surveillance reviewed by law enforcement also showed RUTLEDGE walking to the Chevy Malibu with the Chevy Malibu Owner.

14. On March 14, 2023, the Honorable Vera M. Scanlon, United States Magistrate Judge, Eastern District of New York, authorized a search warrant for historical cell-site information for a telephone number to which MICHAEL RUTLEDGE subscribes, under Miscellaneous Docket Number 23-738. Historical cell-site information obtained pursuant to that

warrant showed that while the robbery was taking place, at approximately 11:20 p.m. on February 10, 2023, the telephone number associated with RUTLEDGE was communicating with a cellular tower proximate to the Store. Historical cell-site information also showed that when RUTLEDGE was observed on surveillance video in the Bronx, at approximately 1:10 a.m. on February 11, 2023, the telephone number associated with RUTLEDGE was communicating with a cellular tower proximate to the surveillance camera in the Bronx that captured RUTLEDGE at this time.

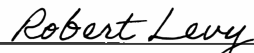
15. Based on the foregoing facts, I submit that there is probable cause to believe that MICHAEL RUTLEDGE was the getaway driver for the robbery described herein.

WHEREFORE, I respectfully request that the defendant MICHAEL RUTLEDGE be dealt with according to law.



THOMAS A. NUZIO
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me by telephone this
9 day of June, 2023



THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Type text here

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

MICHAEL RUTLEDGE

Case No. 23-MJ-566

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) MICHAEL RUTLEDGE,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Use or carrying of a firearm during and in relation to a crime of violence or drug trafficking crime, or the possession of a firearm in furtherance of those crimes, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii).

Interference with commerce by threats or violence, in violation of Title 18, United States Code, Sections 1951(a).

Date: 06/09/2023*Robert Levy*

Type text here

*Issuing officer's signature*City and state: Brooklyn, New YorkHon. Robert M. Levy, United States Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____